

October 8, 2004
Case No. PHB 34,390 (7790/356)
Serial No.: 09/630,896
Filed: August 2, 2000
Page 6 of 11

REMARKS/DISCUSSION OF ISSUES

In the Final Office Action, Examiner Shah rejected pending claims 15-34 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.114:

- A. Examiner Shah rejected claims 15, 18-20, 23-25, 28-30, 33 and 34 under 35 U.S.C. §102(a) as being anticipated by WO 00/13426 to *Cho* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 15, 18-20, 23-25, 28-30, 33 and 34 over *Cho*. The Applicant has also thoroughly read *Cho*. To warrant this anticipation rejection of claims 15, 18-20, 23-25, 28-30, 33 and 34, *Cho* must show each and every limitation of independent claims 15, 20, 25 and 30 in as complete detail as is contained in independent claims 15, 20, 25 and 30. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 15, 18-20, 23-25, 28-30, 33 and 34, because *Cho* fails to disclose and teaches away from the following limitations of independent claims 15, 20, 25 and 30:

1. "wherein said primary station is further operable to dynamically allocate bit rates to at least one random access channel in response to at least one request for at least one random access channel resource from said plurality of secondary stations" as recited in independent claim 15;

October 8, 2004
Case No. PHB 34,390 (7790/356)
Serial No.: 09/630,896
Filed: August 2, 2000
Page 7 of 11

2. "means for dynamically allocating bit rates to random access channels in response to at least one request from said plurality of secondary stations for at least one random access channel resource based on the random access channel status message" as recited in independent claim 20;
3. "wherein the random access channel status message indicates an availability of random access channel resources and further indicates a dynamic allocation of bit rates to random access channels by the primary station" as recited in independent claim 25; and
4. "operating the primary station to dynamically allocate bit rates to at least one random access channel in response to at least one request for at least one random access channel resource from the plurality of secondary stations" as recited in independent claim 30.

Specifically, *Cho* teaches a base station (i.e., a primary station as recited in claims 15-34) dynamically allocates a random access channel having a pre-assigned transmission rate (i.e., a bit rate as recited in claims 15-34) to a mobile station (i.e., a secondary station as recited in claims 15-34) whereby, after such random access channel allocation to the mobile station, the base station and the mobile station can change the pre-assigned transmission rate as needed. *See, Cho* at page 15, line 1 to page 16, line 22; and page 17, line 13-24. *Cho* fails to teach or suggest a dynamic allocation of the transmission rates to the various random access channels as required by independent claims 15, 20, 25 and 30.

Withdrawal of the rejection of independent claims 15, 20, 25 and 30 under §102(a) as being anticipated by *Cho* is therefore respectfully requested.

October 8, 2004
Case No. PHB 34,390 (7790/356)
Serial No.: 09/630,896
Filed: August 2, 2000
Page 8 of 11

Claims 18 and 19 depend from independent claim 15. Therefore, dependent claims 18 and 19 include all of the elements and limitations of independent claim 15. It is therefore respectfully submitted by the Applicant that dependent claims 18 and 19 are allowable over *Cho* for at least the same reason as set forth herein with respect to independent claim 15 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 18 and 19 under 35 U.S.C. §102(a) as being anticipated by *Cho* is therefore respectfully requested.

Claims 23 and 24 depend from independent claim 20. Therefore, dependent claims 23 and 24 include all of the elements and limitations of independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 23 and 24 are allowable over *Cho* for at least the same reason as set forth herein with respect to independent claim 20 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 23 and 24 under 35 U.S.C. §102(a) as being anticipated by *Cho* is therefore respectfully requested.

Claims 28 and 29 depend from independent claim 25. Therefore, dependent claims 28 and 29 include all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claims 28 and 29 are allowable over *Cho* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 28 and 29 under 35 U.S.C. §102(a) as being anticipated by *Cho* is therefore respectfully requested.

Claims 33 and 34 depend from independent claim 30. Therefore, dependent claims 33 and 34 include all of the elements and limitations of independent claim 30. It is therefore respectfully submitted by the Applicant that dependent claims 33 and 34 are allowable over *Cho* for at least the same reason as set forth herein with respect to independent claim 30 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 33 and 34 under 35 U.S.C. §102(a) as being anticipated by *Cho* is therefore respectfully requested.

October 8, 2004
Case No. PHB 34,390 (7790/356)
Serial No.: 09/630,896
Filed: August 2, 2000
Page 9 of 11

- B. Examiner Shah rejected claims 16, 17, 21, 22, 26, 27, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over WO 0000/13426 to *Cho* et al. in view of WO 00/07401 to *Afielak* et al.

Claims 16 and 17 depend from independent claim 15. Therefore, dependent claims 16 and 17 include all of the elements and limitations of independent claim 15. It is therefore respectfully submitted by the Applicant that dependent claims 16 and 17 are allowable over *Cho* in view of *Afielak* for at least the same reason as set forth herein with respect to independent claim 15 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Cho* in view of *Afielak* is therefore respectfully requested.

Claims 21 and 22 depend from independent claim 20. Therefore, dependent claims 21 and 22 include all of the elements and limitations of independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 21 and 22 are allowable over *Cho* in view of *Afielak* for at least the same reason as set forth herein with respect to independent claim 20 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over *Cho* in view of *Afielak* is therefore respectfully requested.

Claims 26 and 27 depend from independent claim 25. Therefore, dependent claims 26 and 27 include all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claims 26 and 27 are allowable over *Cho* in view of *Afielak* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over *Cho* in view of *Afielak* is therefore respectfully requested.

October 8, 2004
Case No. PHB 34,390 (7790/356)
Serial No.: 09/630,896
Filed: August 2, 2000
Page 10 of 11

Claims 31 and 32 depend from independent claim 30. Therefore, dependent claims 31 and 32 include all of the elements and limitations of independent claim 30. It is therefore respectfully submitted by the Applicant that dependent claims 31 and 32 are allowable over *Cho* in view of *Aftelak* for at least the same reason as set forth herein with respect to independent claim 30 being allowable over *Cho*. Withdrawal of the rejection of dependent claims 31 and 32 under 35 U.S.C. §103(a) as being unparentable over *Cho* in view of *Aftelak* is therefore respectfully requested.

October 8, 2004
Case No. PHB 34,390 (7790/356)
Serial No.: 09/630,896
Filed: August 2, 2000
Page 11 of 11

SUMMARY

Examiner Shah's rejections of pending claims 15-34 have been obviated by remarks herein supporting an allowance of claims 15-34 over the art of record. The Applicant respectfully submits that claims 15-34 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Shah is respectfully requested to contact the undersigned at the telephone number listed below.


Dated: October 8, 2004

Respectfully submitted,
Timothy J. Mouldsley

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3001
Briarcliff, New York 10510
Phone: (914) 333-9612
Fax: (914) 332-0615

Jack D. Slobod
Registration No. 26,236
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicant